



# Yellowhead County

## BYLAW NO. 18.14

### BEING A BYLAW TO AMEND LAND USE BYLAW NO. 16.13

**WHEREAS**, the Municipal Government Act, Being Chapter M-26, R.S.A., 2000, authorizes a Council to amend a land use bylaw;

**AND WHEREAS** a public hearing was held in respect to the proposed amendment pursuant to the Municipal Government Act, Being Chapter M-26, R.S.A., 2000;

**NOW THEREFORE**, the Yellowhead County Council, in the Province of Alberta, duly assembled, hereby enacts as follows:

- 1) Amend Land Use Bylaw 16.13 – Section 87, 113, 118, 119, 122, Appendix A and Appendix B as per Schedule A:
- 2) This bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the Municipal Government Act, Being Chapter M-26, R.S.A., 2000.

READ a first time this 23 Day of September A.D., 2014.

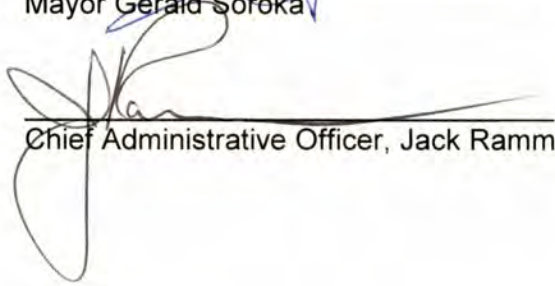
PUBLIC HEARING held this 28 Day of October A.D., 2014.

READ a second time this 25 Day of November A.D., 2014.

READ a third time this 25 Day of November A.D., 2014.

SIGNED this 25 Day of November A.D., 2014.

  
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Mayor Gerald Soroka

  
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Chief Administrative Officer, Jack Ramme



## **SCHEDULE "A"**

### **SECTION 87 TELECOMMUNICATIONS TOWERS**

**NOTE:** Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including telecommunication towers. In making its decision regarding the communication tower and related facilities, Industry Canada considers the following:

- (a) the input provided by the land-use authority;
  - (b) compliance with Transport Canada's painting and lighting requirements for aeronautical safety;
  - (c) Health Canada's safety guidelines respecting limits of exposure to radio frequency fields;
  - (d) an environmental assessment may be required in order to comply with the Canada Environmental Assessment Act.
- (1) The participation of the County in the consultation process does not assume any federal decision-making authority, nor does it confer a right of veto in the location of the telecommunication facility.
- (2) A wireless communications tower could be located within:
- a) Agricultural areas;
  - b) Industrial areas;
  - c) Multi parcel subdivision areas.
- (3) Prior to submitting a request for a development permit the applicant must contact the Chief Administrative Officer or his designate and arrange for a preliminary consultation and provide written confirmation that they have made contact with other tower owners in the vicinity and have pursued collocation opportunities.
- (4) All satellite dish and amateur radio antennas applied for ham radios or citizen band radio, and a telecommunication device that only receives signals, shall be located on the same site as the intended signal user.
- (5) An antenna and supporting structure for the following uses are permitted in any district if accessory to a permitted use and if they comply with applicable regulations of the district in which situated:
- (a) ham radio;
  - (b) citizen band radio; and
  - (c) a telecommunication device that only receives signals.
- An antenna and supporting structure for the following uses are discretionary in all districts:
- (a) radio and television transmission;
  - (b) two-way radio;
  - (c) common carriers;
  - (d) land-mobile systems; and
  - (e) fixed point microwave.
- (6) Where possible, Communication towers should be visually unobtrusive and are encouraged to be located on existing infrastructure such as water towers, buildings or other infrastructure.



- (7) Towers shall be located 20 meters from the top of bank of any named river, creek or water body.
- (8) The Collocation of multiple providers on towers is preferred. Where appropriate, new towers should be built to a standard to accommodate multiple wireless tenants. Any exclusivity agreements which limit access to other providers is strongly discouraged.
- (9) Tower base must be setback from abutting parcels, occupied dwellings and roadways by the distance of the tower height plus ten percent of the height.
- (10) Guy wire anchors shall be setback at least 1.0 m (3.28 ft) from the property line.
- (11) The design or appearance of all communication facilities including antennas, antenna mounts, equipment shelters and cable runs should minimize the visibility of facilities through the use of color, consistent architectural styles and aesthetic design.
- (12) Sites for commercial towers shall be fenced with suitable protective anticlimb fencing as required by the County.
- (13) All equipment shelters must meet the County's setback distances to roads and property lines.
- (14) A municipal development permit is required for the location of all proposed commercial/ industrial wireless communication towers with a height of 15m or higher.
- (15) An application for a development permit shall include a site plan drawn to scale and identifying the site boundary; tower; guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and uses and structures on the site and abutting properties.
- (16) Where Transport Canada requires that a telecommunication tower be lighted, the following steps are encouraged to minimize visual impacts:
  - (a) the lighting of equipment structures and any other facilities on site should be shielded from adjacent properties where possible without interfering with the requirements of Transport Canada;
  - (b) all lighting should be a minimum number of low intensity white lights; and
  - (c) the strobe interval should be the maximum allowable by Transport Canada, and the strobe lights should only be used if absolutely necessary
- (17) The County requires the Applicant to conduct a public consultation meeting for all wireless communication towers greater than 15 meters in height for area landowners/ residents. All landowners within the two (2) km of the proposed tower must be notified.
- (18) A public consultation/ meeting will not be required for proposed tower sites in the green zone that are at least two (2) km away from the nearest titled property.
- (19) At the public consultation meeting, the Applicant will be requested to take an attendance log and record issues and concerns expressed by the public, and provide responses as to how issues will be addressed. These issues, as well as letters of support and non support must be provided to both the County and Industry Canada.

- (20) The applicant shall pay for all costs of the public consultation process including mail outs, newspaper advertisements, property signs and public meetings where required.
- (21) A sign not less than one (1) square meter in size or newspaper advertisement providing information of the public consultation may also be requested on site at the discretion of the Chief Administrative Officer of his designate.
- (22) The Chief Administrative Officer of his designate will provide a letter of concurrence or non-concurrence based on the results of the consultation process, and the goals of Yellowhead County being attained.
- (23) Yellowhead County continues to update its rural communication coverage study and requires all Applicants to provide the following information:
  - a) Estimated coverage of the new tower by township.
  - b) Spectrum being deployed on the tower including licensed, unlicensed and lightly licensed.
- (24) Communication facilities and towers are to be removed within six months of cessation of use.



## SECTION 113 HUR - HAMLET URBAN RESERVE DISTRICT

(1) General Purpose of the District:

The general purpose of this district is to reserve those areas within hamlets which are rural in character, but which are planned for future subdivision or development.

(2) Uses Table:

Permitted Uses	Discretionary Uses
Public Utility	Accessory Building Accessory Structure Agriculture (Extensive) Recreation (Extensive) Secondary Suite-External Secondary Suite-Internal Storage Container Signs

(3) Regulation Table:

The setbacks indicated refer to the Principal Building. Setback requirements for Accessory Buildings are listed in Section 79

(a) Minimum Site Dimensions	At the discretion of the Development Authority, who shall consider site dimensions sufficient to accommodate the proposed development, and minimum setback requirements and servicing needs.
(b) Maximum Site coverage	At the discretion of the Development Authority.
(c) Maximum number of dwelling units per parcel	1
(d) Minimum front setback	
(i) From ROW of any Provincial highway	40.0 (131 ft.)
(ii) From ROW of any municipal road allowance or secondary road	30.0 m (98 ft.)
(iii) From an hamlet street	7.6 m (25 ft.)
(e) Minimum side setback	
(i) From ROW of any Provincial highway	40.0 (131 ft.)
(ii) From ROW of any municipal road allowance or secondary road	30.0 m (98 ft.)
(iii) From a hamlet street	7.6 m (25 ft.)
(iv) To property line	6.0 m (19.68 ft.)
(f) Minimum rear setback	
(i) From ROW of any Provincial highway	40.0 (131 ft.)
(ii) From ROW of any municipal road allowance or secondary road	30.0 m (98 ft.)
(iii) From an internal subdivision road	10.7 m (35 ft.)
(iv) To property Line	6.0 m (19.68 ft.)

(g) Maximum height of buildings	10.0 m (32.8 ft.) or two and one half storeys above grade, whichever is greater*
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\* - Or to the satisfaction of the Development Authority, taking into account the impact on adjacent or nearby uses and development, and the predominant height of dwellings and structures in the area.

- (4) Unless required for municipal purposes, no subdivision is permitted in this district.
- (5) Other Regulations: All land use regulations apply as contained in this Bylaw.



## SECTION 118HC – HAMLET COMMERCIAL DISTRICT

### (1) General Purpose of District:

The general purpose of this district is to accommodate a wide variety of retain and service commercial uses which will service the needs of residents in and around the hamlet.

### (2) Uses Table:

Permitted Uses	Discretionary Uses
Accessory Building Accessory Structure Automotive and Minor Recreational Vehicle Sales and Service Business Commercial Convenience Store Eating and Drinking Establishment Hotel Institutional Use Motel Office Personal Service Shop Public Utility Retail Establishment Signs Vehicular Oriented Use Veterinary Clinic	Apartment Arcade Auctioneering Establishment Auto Body and Paint Shop Bulk Fuel Storage and Distribution Dwelling Unit – Upper Gas Bar Liquor Store Recreation (Intensive) Recreational Vehicle Storage Service Station Single Detached Dwelling Spectator Entertainment Establishment Storage Commercial Surveillance Suite

### (3) Regulation Table:

(a) Site Dimensions	At the discretion of the Subdivision/Development Authority
(b) Site coverage	At the discretion of the Subdivision/Development Authority
(c) Minimum setbacks	
(i) From ROW of any Provincial highway	40.0 m (131 ft.) if required 30.0 m (98 ft.)
(ii) From ROW of any municipal road allowance or secondary road	0
(iii) From the front yard property line adjacent to an internal subdivision road or other County road within a hamlet;	0
(iv) From a residential property	3 m (9.8 ft.)
(d) Maximum Building Height (Principal or Main Building)	12.0 m (39.4 ft.) or three storeys above grade, whichever is greater *
(e) Maximum Building Height (Accessory Buildings or structures)	10.0 m (32.8 ft.)*

\* - Or to the satisfaction of the Development Authority, taking into account the impact on adjacent or nearby uses and development, and the predominant height of dwellings and structures in the area.

- (4) The Development Authority may require, at their discretion, that those side and rear yards abutting residential districts be screened by means of a fence or landscaping, or both.

Outside Storage and Display:

- (5) There shall be no outside storage of goods, products, materials, or equipment permitted within the front yard setback of this district;
- (6) Outside storage of goods, products, materials, or equipment shall be screened from public thoroughfares to the satisfaction of the Development Authority;
- (7) When part of the site is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner, and shall not, in the opinion of the Development Authority:
  - (a) unduly interfere with the amenities of the district; or
  - (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- (8) Where specific Architectural or Landscape Requirements have been adopted by Council, all development shall be in accordance with the specific requirements.
- (9) Other Regulations: All land use regulations apply as contained in this Bylaw.



## SECTION 119 HG – HAMLET GENERAL DISTRICT

### (1) General Purpose of District:

The general purpose of this district is to accommodate a variety of residential and commercial uses in an area of a hamlet which is in or acts as a transition from commercial to residential uses.

### (2) Uses Table:

Permitted Uses	Discretionary Uses
Accessory Building Accessory Structure Bed and Breakfast Day Care Facility Duplex Family Care Facility Home Occupation (Major) Home Occupation (Minor) Institutional Use <i>Manufactured Home *</i> Public Utility Secondary Suite-Internal Single Detached Dwelling Veterinary Clinic	Apartment Arcade Automotive and Minor Recreational Vehicle sales Convenience Store Dwelling Unit, - Upper Eating and Drinking Establishment Gas Bar Hotel Kennel Liquor Store <i>Manufactured Home*</i> Motel Personal Service Shop Recreation (Intensive) Recreational Vehicle Storage Retail Establishment Secondary Suite-External Service Station Signs Spectator Entertainment Establishment Stacked Townhouse Staff Accommodation Surveillance Suite Townhouse

*\*- Refer to Section 51 Manufactured Home Rules and Regulations, Manufactured Home may be Permitted or Discretionary Uses.*

### (3) Regulation Table:

(a) Site Dimensions	At the discretion of the Subdivision or Development Authority
(b) Site coverage	At the discretion of the Subdivision or Development Authority
(c) Minimum setbacks (i) From ROW of any Provincial highway (ii) From ROW of any municipal road allowance or secondary road	40.0 m (131 ft.) if required 30.0 m (98 ft.) 0

(iii) From the front yard property line adjacent to an internal subdivision road or other County road within a hamlet;	0
(iv) From a residential property	3 m (9.8 ft.)
(d) Maximum Building Height (Principal or Main Building)	12.0 m (39.4 ft.) or three storeys above grade, whichever is greater **
(e) Maximum Building Height (Accessory Buildings or structures)	10.0 m (32.8 ft.)**

\*\* - Or to the satisfaction of the Development Authority, taking into account the impact on adjacent or nearby uses and development, and the predominant height of dwellings and structures in the area.

- (4) The Development Authority may require, at their discretion, that those side and rear yards abutting residential districts be screened by means of a fence or landscaping, or both.

Outside Storage and Display:

- (5) There shall be no outside storage of goods, products, materials, or equipment permitted within the front yard setback of this district;
- (6) Outside storage of goods, products, materials, or equipment shall be screened from public thoroughfares to the satisfaction of the Development Authority;
- (7) When part of the site is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner, and shall not, in the opinion of the Development Authority:
- (a) unduly interfere with the amenities of the district; or
  - (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- (8) Where specific Architectural or Landscape Requirements have been adopted by Council, all development shall be in accordance with the specific requirements.
- (9) Other Regulations: All land use regulations apply as contained in this Bylaw.



## SECTION 122 HI - HAMLET INDUSTRIAL

### (1) General Purpose of District:

The general purpose of this district is to allow for a wide variety of industrial uses in hamlets, where services may be available, away from residential and commercial uses, and will contribute to the economic growth, development and viability of the hamlet.

### (2) Uses Table:

Permitted Uses	Discretionary Uses
Accessory Building Accessory Structure Auctioneering Establishment Automotive and Minor Recreation Vehicle Sales General Contractor Services Public Utility	Agricultural Processing Agriculture Servicing Facility Auto Body and Paint Shop Bulk Fuel Storage and Distribution General Industrial Kennel Oilfield Service and Supply Salvage Establishment Service Station Storage Commercial Storage Container Signs Surveillance Suite Wind Energy System - Minor

### (3) Regulation Table:

(a) Minimum Site Dimensions	At the discretion of the Subdivision or Development Authority
(b) Maximum Site coverage	At the discretion of the Subdivision or Development Authority
(c) Minimum front setback (i) From ROW of any Provincial highway (ii) From ROW of any municipal road allowance or secondary road (iii) From the front yard property line adjacent to an internal subdivision road	40.0 m (131 ft.) 30.0 m (98 ft.) 6 m (19.68 ft.)
(d) Minimum side and rear setback (i) From ROW of any Provincial highway (ii) From ROW of any municipal road allowance or secondary road (iii) From an internal subdivision road or property line	40.0 m (131 ft.) 30.0 m (98 ft.) 6.0 m (19.68 ft.)
(e) Maximum height of buildings	15.0 m (49 ft.)

- (4) Where specific Architectural or Landscape Requirements have been adopted by Council, all development shall be in accordance with the specific requirements.
- (5) The Development Authority may require, at its discretion, that those side and rear yards abutting residential districts be screened by means of a fence or landscaping.
- (6) In no case shall approval be granted for developments or uses requiring a municipal fire protection system or which, in the opinion of the Development Authority, would require offsite fire protection requirements, unless the applicant/developer has agreed to install and provide all required fire protection systems
- (7) All applications for development or subdivision in this district shall include details of adequate water supply for firefighting purposes as required by the Alberta Building Code Regulation and any amendments thereto. Development and construction of any development of structure cannot begin until evidence is provided, to the satisfaction of Yellowhead County, that the requirements of the Alberta Building Code Regulation and any amendments thereto have been met with respect to provision of an adequate water supply for firefighting purposes.
- (8) General Industrial and Light Industrial Uses may be approved if they do not generate noise, glare, dust, odour or vibration impacts beyond the boundary of the parcel.
- (9) There shall be no outside storage of goods, products, materials, or equipment permitted within the front yard setback of this district;
- (10) Outside storage of goods, products, materials, or equipment shall be screened from public thoroughfares to the satisfaction of the Development Authority;
- (11) When part of the site is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner, and shall not, in the opinion of the Development Authority:
  - (a) Unduly interfere with the amenities of the district; or
  - (b) Materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- (12) Other Regulations: All land use regulations apply as contained in this Bylaw.



# APPENDIX "A"

	RESIDENTIAL DISTRICTS																							
USE	RD	CR	CR (SL)	CR (L)	CR (MI)	CR (R)	CR (T)	CR (MPP)	MHP	HERR	HEUF	HR	HR (B)	HR (C)	HR (E)	HR (R)	HR (T)	HUR	SR- RC	SR- R1	SR- R2	SR- R3	SR- RV	MS
LUB Section #	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	132	133	134	135	136	137

(Additional)																								
Spectator Entertainment Establishment																			P					
Stacked Townhouse												D				D	D				P	P		
Staff Accommodation																			P			P		
Storage Commercial																			P					
Storage Container	D	D	D	D	D		D			D	D							D						
Storage Building Residential	D	D	D	D	D	D																		
Storage-Outdoor Industrial																								
Surveillance Suite									D															
Telecom Tower	D	D	D	D	D	D			D	D	D													
Townhouse												D		D		D	D				P	P		
Tourist Home	P	D	D	P			P	D									P		D	D	D	D		

## NON RESIDENTIAL DISTRICTS

[illegible]